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Attorneys for Defendant
QUIKSILVER, INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CLAYTON D. BLEHM, dba FDC Investments, Inc.,

Plaintiff,

v.

BETSY MCINTYRE and QUIKSILVER, INC.,

Defendants.

Case No. 08CV1358 BTM NLS

JOINT MOTION AND REQUEST FOR ORDER EXTENDING TIME FOR QUIKSILVER, INC. TO FILE A SPECIAL MOTION TO STRIKE PLAINTIFF'S COMPLAINT; [PROPOSED] ORDER THEREON

Judge: Hon. Barry Ted Moskowitz
Courtroom: 15

This Joint Motion, entered into by and between Plaintiff Clayton D. Blehm dba FDC, Investments, Inc. ("Plaintiff"), Defendant United States of America, and Defendant Quiksilver, Inc. ("Quiksilver"), by and through their respective counsel of record herein, is made with reference to the following facts and recitals:

WHEREAS, on or about May 28, 2008, Plaintiff filed his complaint in the San Diego Superior Court;

WHEREAS, on or about July 28, 2008, Defendant United States of America removed this action from the San Diego Superior Court to this Court;

WHEREAS, on or about August 4, 2008, Quiksilver filed a Motion to Dismiss Plaintiff's Complaint or, in the Alternative, Motion to Stay the Action Pending Resolution of Prior State Court Action (the "Motion to Dismiss or Stay the Action");

WHEREAS, Quiksilver's Motion to Dismiss or Stay the Action is set to be heard by the Court on October 17, 2008, at 11:00 a.m.;

WHEREAS, Quiksilver believes that it also has good grounds to bring a special motion to strike the complaint under California Code of Civil Procedure Section 425.16(b), which authorizes a special motion to strike a strategic lawsuit against public participation, known as an "anti-SLAPP motion";

WHEREAS, absent an extension of time, Quiksilver's time to bring an anti-SLAPP motion will run on August 21, 2008;

WHEREAS, Quiksilver believes it would be premature to file an anti-SLAPP motion in light of the pending Motion to Dismiss or Stay the Action, which, depending on the Court's ruling thereon, may result in a dismissal of certain claims rendering an anti-SLAPP motion either irrelevant or unnecessary, or may result in a stay of the action;

WHEREAS, Quiksilver requested that all parties stipulate to an extension of time for Quiksilver to bring an anti-SLAPP motion, and all parties agreed to this request;

THEREFORE, IT IS HEREBY STIPULATED by and between the parties herein as follows:

1. That Quiksilver shall file its anti-SLAPP motion, if necessary, within 30 days of the Court issuing a ruling on Quiksilver's pending motion to dismiss, or within 30 days of Plaintiff filing an amended complaint, if an amended complaint is filed, whichever date is later;

2. That, in the event the Court grants Quiksilver's motion in the alternative to stay the action pending resolution of a prior state court action,

Quiksilver shall file its anti-SLAPP motion, if necessary, within 30 days following the release of any such stay; and

3. The parties respectfully request that the Court issue an order consistent with the stipulation set forth in this Joint Motion.

DATED: August 19, 2008

LAW OFFICE OF ROY R. WITHERS

By: [signature]
Roy R. Withers
Attorneys for Plaintiff Clayton D. Blehm dba FDC Investments, Inc.

DATED: August 19, 2008

TRIAL ATTORNEYS, TAX DIVISION
U.S. DEPARTMENT OF JUSTICE

By:
Lauren M. Castaldi
Attorneys for the United States of America

DATED: August 19, 2008

O'MELVENY & MYERS LLP

By:
Molly J. Magnuson
Attorneys for Defendant Quiksilver, Inc.

Quiksilver shall file its anti-SLAPP motion, if necessary, within 30 days following the release of any such stay; and

3. The parties respectfully request that the Court issue an order consistent with the stipulation set forth in this Joint Motion.

DATED: August 19, 2008

LAW OFFICE OF ROY R. WITHERS

By:____________________
Roy W. Withers
Attorneys for Plaintiff Clayton D. Blehm dba FDC Investments, Inc.

DATED: August 20, 2008

TRIAL ATTORNEYS, TAX DIVISION
U.S. DEPARTMENT OF JUSTICE

By: s/Lauren M. Castaldi
Lauren M. Castaldi
Attorneys for the United States of America

DATED: August 20, 2008

O'MELVENY & MYERS LLP

By: s/Molly J. Magnuson
Molly J. Magnuson
Attorneys for Defendant Quiksilver, Inc.